IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30431 of 2007(W)

AGAINST THE ORDER IN IA.1503/2007 IN OS.203/2007 of PRINCIPAL SUB COURT,PARAVUR

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PETITIONER:

ASHRAF, AGED 45, S/O ISMAIL,
THEENATTU HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

BY ADV. SMT.AYSHA YOUSEFF
SRI.V.K.SIDHIQUE
SMT.K.A.SANJEETHA
SRI.T.K.NAZAR

RESPONDENTS:

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1. SHAREEFA, AGED 78,
W/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

2. ABDUL MAJEED, AGED 58,
S/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

3. ABDUL RASHEED, AGED 56,
S/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

4. SULFIKKAR ALI, AGED 49,
S/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

5. SUBAIDA, AGED 51,
D/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

6. UMAIBAN, AGED 47,
D/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

7. ALLY, AGED 47, D/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

8. VAHIDA, AGED 43, D/O LATE KUNJUMUHAMMED,
KUZHIKKATTIL HOUSE, THAIKKATTUKARA,
ALUVA WEST VILLAGE, ALUVA TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.30431 of 2007

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Dated this the 15th day of October, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the Sub Court, North Paravoor to communicate the order of injunction to the Sub Registrar's Office, Aluva regarding the restriction on alienation of the property. Civil Rules of Practice provides a provision whereby when an order of attachment is made by the court, it has to be communicated to the Sub Registrar's Office. The object behind the same is the enunciated principles under Section 64 of C.P.C. which declares a sale as void during the pendency of attachment by a court by a private party. It is true that some orders of injunction virtually has the impact of the same. But proper remedy for the party is only to take a certified copy of the order, which restricts alienation and forward it to the concerned Sub Registrar's Office for necessary information.

2. Therefore, this Writ Petition is disposed of permitting the present writ petitioner to take a certified copy of the order of

injunction and communicate it to the Sub Registrar's Office, Aluva for his information. I cannot direct the court below to communicate the order of injunction to a party because it does not come under Order 21 Rule 52 of C.P.C. or any other category.

M.N.Krishnan,
Judge.

ess 15/10